

Exhibit A
Amendment to Part II, Chapter 30

"CHAPTER 30. STORM WATER MANAGEMENT AND POLLUTION CONTROL."

ARTICLE VII.

STORM WATER FUND

SEC. 30-101 LEGISLATIVE FINDINGS AND POLICY

The Mayor and Shelby County Board of Commissioners (County Commission) find, determine and declare that the storm water system which provides for the collection, treatment, storage and disposal of storm water provides benefits and services to all property within the unincorporated County limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of storm water; the reduction of hazards to property and life resulting from storm water runoff; improvements in general health and welfare through reduction of undesirable storm water conditions; and improvements to water quality in the storm water, surface water system and its receiving waters.

SEC. 30-102 CREATION OF STORM WATER FUND

For purposes of the Federal Clean Water Act and related state laws for Storm Water Management, there is created a Storm Water Fund which shall consist of a program within the County's Division of Public Works. The Storm Water Fund, under the legislative policy and control of the Director of Public Works and supervision of the County Engineer (Storm Water Fund manager), shall:

(1) Administer the acquisition, design, construction, maintenance and operation of the storm water system, including capital improvements designated in the capital improvement program, in conjunction with the Public Works Division;

(2) Administer and enforce this Ordinance and all regulations and procedures adopted pursuant to this Ordinance or other applicable law to protect and maintain water quality, quantity and/or velocity of the storm water conveyed within the system in compliance with water quality standards established by state, regional and/or federal agencies as now adopted or hereafter amended relating to the design, construction, maintenance, operation and alteration of the storm water system; and

(3) Advise the County Commission and other administrative staff on matters relating to the storm water system; and

(4) Direct the preparation of and any revisions to the comprehensive drainage plan for adoption by the County Commission; and

(5) Annually analyze the cost of services and benefits provided and the system and structure of fees, charges, civil penalties and other revenues of the Storm Water Fund.

State law references: Storm water management, T.C.A. § 68-221-1101, *et seq.*

SEC. 30-103 SOURCES OF REVENUE FOR THE STORM WATER FUND

Revenue for the Storm Water Fund's activities may include, but is not limited to, the following:

(1) Storm water user fees; and

(2) Civil penalties and damage assessments imposed for or arising from the violation of the County's Storm Water Ordinance; and

(3) Storm water permit and inspection fees; and

(4) Other funds or income obtained from federal, state, local, and private grants, or revolving funds, and from the Local Government Public Obligations Act of 1986 and state law; and

(5) To the extent that the storm water fees collected are insufficient to construct needed storm water drainage facilities, the cost of the same may be paid from such County funds as may be authorized by the County Commission.

State law references: Local Government Public Obligations Act, T.C.A., Title 9, Chapter 21.

SEC. 30-104 DEDICATION OF REVENUE

All revenues generated by or on behalf of the Storm Water Fund shall be deposited in a special revenue fund, which shall be kept in an account separate from other accounts of the County. Storm Water Fund revenues shall be used exclusively for purposes set out by State law and shall not be used for any other purposes other than storm water expenses.

State law references: Storm water management, T.C.A. § 68-221-1101, *et seq.*

SEC. 30-105 STORM WATER USER FEE ESTABLISHED

There shall be imposed on each and every developed property in the unincorporated County a storm water user fee, which shall be set from time to time by resolution, consistent with this Ordinance and state law. Prior to establishing or amending storm water user fees, the County shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the County at least thirty (30) days in advance of the meeting of the County Commission at which it shall consider the adoption of the fee or its amendment.

State law references: Storm water facilities user's fee, T.C.A. § 68-221-1107.

SEC. 30-106 PAYMENT OF FEES AND CHARGES

The customer of record for the water meter for each lot or parcel shall be liable for the storm water user fee and charges as provided by resolution and as may be amended from time to time.

SEC. 30-107 BILLING PROCEDURES AND PENALTIES FOR LATE PAYMENT

(1) Rate and collection schedule. The storm water user fee shall be set at a rate, and collected on a schedule, established by resolution. The storm water user fee shall be paid in accordance with procedures and rules established by Memphis Light Gas and Water (MLGW), with the same deposited directly into the storm water fund minus the agreed upon collection fee set by agreement between Shelby County and MLGW.

(2) Penalties for late payment. Storm water user fees shall be subject to a late payment fee established by MLGW procedures and rules.

(3) Legal action. The County shall be entitled to recover attorney's fees and expenses, including court costs, incurred in collecting delinquent storm water user fees, including late fees. The County and MLGW are authorized to file suit to recover any unpaid amounts due under this Ordinance.

(4) Mandatory statement. Each bill for storm water user fees shall contain the following statement in bold type:

"THIS TAX HAS BEEN MANDATED BY CONGRESS"

(5) Dispute resolution and appeal. Payment of the storm water user fees will not be deemed late if a dispute resolution form or appeal form is filed by the water meter customer of record in accordance with sections 30-108 and 30-109 herein.

- (a) Late payment fees will apply, however, if the Storm Water Fund Manager finds the storm water user fees have been properly assessed and no adjustment is required. Late payment fees will also apply if the Board of Storm Water Appeal upholds the decision of the Storm Water Fund Manager.
- (b) If applicable, late payment fees shall be assessed from the date the storm water user fees were originally due.

State law references: Notice of federally mandated charges, T.C.A. § 68-221-1112.

SEC. 30-108 DISPUTE RESOLUTION OF STORM WATER USER FEES

(1) Any water meter customer of record who disputes the calculation of the storm water user fee as provided in this Ordinance, or who seeks a storm water user fee adjustment based upon storm water management practices, may submit a dispute resolution form to the Storm Water Fund Manager within sixty (60) days from the date the storm water user fees are due.

(2) A dispute resolution form may be requested as follows:

- (a) by written correspondence to Shelby County Engineering Department, 160 N. Main, Suite 350, Memphis, TN 38103
- (b) by calling Shelby County Storm Water Fund Manager at (901) 545-4320.

(3) The Storm Water Fund Manager may request additional information from the disputing party.

(4) A written decision of the Storm Water Fund Manager shall be mailed to the water meter customer of record within thirty (30) days from the date the dispute resolution form was received together with a copy of the Board of Storm Water Appeal's appeal form.

SEC. 30-109 BOARD OF STORM WATER APPEAL

(1) Any water meter customer of record dissatisfied with the decision of the Storm Water Fund Manager shall have the right to appeal to the Board of Storm Water Appeal within thirty (30) days from the date of the Storm Water Fund Manager's written decision. All appeals to the Board of Storm Water Appeal shall be filed by completing an appeal form and shall be mailed or delivered to the Shelby County Engineering Department, 160 N. Main, Suite 350, Memphis, TN 38103. Appeal forms are available at the Shelby County Engineering Office and may be available electronically upon request.

(2) The Board of Storm Water Appeal shall be composed of five (5) members who shall be the Public Works Director or designee, County Engineer or designee, Administrator of the Roads and Bridges or designee, administrator of Support Services or designee, and the Senior Engineer acting as the coordinator for the Shelby County Storm Water Program.

(a) The Engineering Coordinator shall chair the meetings.

(b) A quorum of the Board of Storm Water Appeal is necessary to conduct business of the board and shall be three (3) members.

(3) A hearing shall be scheduled within sixty (60) days of receipt of the appeal form and notification of the date, time and location of the hearing shall be given in writing and mailed within fifteen (15) days of receipt of the appeal form.

(4) The written administrative decision of the Board of Storm Water Appeal is final and shall be mailed to the water meter customer of record within thirty (30) days from the date of the hearing.

(5) The water meter customer of record has a right to appeal the Board of Storm Water Appeal's final administrative decision to any court allowable by law within the time allowed by law.

SHELBY COUNTY STORM WATER USER FEE DISPUTE RESOLUTION FORM

This form must be mailed or delivered to the Storm Water Fund Manager, 160 N. Main, Suite 350, Memphis, TN 38103 within sixty (60) days of the date the storm water user fees are due.

Name: _____

Mailing Address:

Property Address (if different from Mailing Address):

E-Mail Address: (if available) _____

Home Phone _____ Business Phone _____ Cell Phone _____

Reason for your complaint / dispute:

X _____ Date: _____

Signature

SHELBY COUNTY STORM WATER USER FEE APPEAL FORM

This form must be mailed or delivered to the Board of Storm Water Appeal, 160 N. Main, Suite 350, Memphis, TN 38103 within thirty (30) days of the date of the Storm Water Fund Manger's written decision.

Name: _____

Mailing Address:

Property Address (if different from Mailing Address):

E-Mail Address: (if available) _____

Home Phone _____ **Business Phone** _____ **Cell Phone** _____

Reason for your appeal:

X _____ **Date:** _____

Signature